

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tender Procedures and Registration of Contractors Rules – Procedure for Registration of Special Class & Class-I Contractors / Firms of Foreign origin – Incorporation after Para 1 (h) of Annexure-II of G.O.Ms.No.94, I&CAD (PW) Department , dated 1.7.2003 – Orders – Issued

IRRIGATION & CAD (PW: REFORMS) DEPARTMENT

G.O.Ms.No.131

Date:24-06-2008

Read the following:-

1. G.O.Ms.No.94, Irrigation & CAD (PW:COD) Department dated 1.7.2003
2. From the Engineer-in-Chief (Admn.Wing) Letter.No.Rc/ENC/ADA/AE1 /21204/ Regn.Cont.dated 27.12.2004
3. I&CAD Memo.No.2324/Reforms/2005-1, dated 22.1.2005
4. I&CAD Memo.No.2324/Reforms/2005, dated 27.12.2006
5. From the Engineer-in-Chief (Admn.Wing) Letter.No.Rc/ENC(AW)/ADA /AE3 /21204, dated 12.4.2007

ORDER:-

In the G.O.first read above rules have been laid down for registration of contractors. As per the rules the Class-I and Special Class Contractors have to be registered by the Committee of Engineers-in-Chief and the Commissioner, Commissionerate of Tenders

The ENC (AW) in the references second and third read above has informed that applications are being received from the Contractors in India and also from foreign countries for registration and that the contractors who desires to participate in the Bids on EPC Turnkey system should have registration in Andhra Pradesh and this stipulation is applicable to the contractors of foreign origin and the Registering authority have to verify the credentials and antecedents of the contractor. Further the procedure to be followed in respect of foreign companies is not mentioned in G.O.Ms.No.94, dated 1.7.2003. He has therefore sought clarification from the Government on the following points with respect to registration of contractors of foreign origin, as they are not covered in G.O.Ms.No94, dt.01.7.2003

- i) It is not possible to get the experience and solvency certificate verified personally. As such they have to be accepted as it is & probed into in case of complaint.
- ii) In case the foreign companies have not executed any works in India whether to accept the I.T clearance / I.T return/PAN card issued by the concerned department of that country.
- iii) Whether to insist to submit solvency & experience certificate in the prescribed proforma only, and
- iv) Whether to obtain documents in English duly certified.

The ENC (AW) in the reference third read above has been requested to prepare a draft procedure for selecting Foreign Contractors, considering all aspects, get it approved by the Committee of Engineers-in-Chief and furnish the same for issue of orders. The Committee of Chief Engineers have discussed the subject matter in the 46th meeting held on 7.3.2007 and have agreed the suggestions communicated in the reference fourth read above in Toto for following the procedure for Registration of Special Class and Class.I Contractors of Foreign origin and also opined that in addition to the suggestions e-mail confirmation also be obtained from the issuing authority

Government after careful examination of the matter issue the following procedure for registration of Special Class & Class.I Contractors of Foreign Origin and to incorporate after Para 1 (h) of Annexure-II of G.O.Ms.No.94, I&CAD (PW) Department dated 1.7.2003

- (i) The foreign firms desirous of registration with the Government of Andhra Pradesh shall get the solvency, experience and other certificate attested by the embassy of that country in India. In fact sometime back there was no personal verification procedure. The confirmation used to be by correspondence with the officer who issued the certificates. Afterwards when some contractors started resorting to malpractices like changing the words and figures in the original certification was introduced.
- (ii) In case the foreign companies have not executed any work in India the I.T. Clearance/I.T. returns/PAN card issued by the concerned Government Department, of that country duly attested by the Ministry of

External Affairs of that country can be considered for provisional registration. However, as soon as work is entrusted to the foreign firm, it has to register itself with the income tax department, in India and obtain clearance from the Government of India.

- (iii) Solvency & Experience Certificates shall be insisted upon and accepted in the prescribed proforma. If the department is convinced that the particulars furnished by the firm are sufficient though in a different format the firm shall be given reasonable time to submit the same in the prescribed proforma, without withholding the processing of the tenders.
- (iv) All the documents submitted by the firm have to be in English only, duly attested by the Ministry of External, Affairs / Embassy of that country.
- (v) **e-mail** confirmation may also be obtained from issuing authority.
- (vi) The Foreign Agency / Firm / Company shall have to register its name in India as a Company / Agency as per the Indian Contract Law.
- (vii) Once Company registration is done as per the Act / Law in force for an Foreign Agency / Company as per the Indian Constitution, the interests of the Country and the sovereignty have to be ensured.
- (viii) Experience of Foreign firm is to be considered in case of ICB (International Competition Bid)
- (ix) To participate in NCB (National Competition Bid) the Foreign Company has to register as a Company as per Company Act.
- (x) The money transactions, like payment etc., has to be done as per the RBI (Reserve Bank of India) guidelines / instructions

This order issues with the concurrence of TR&B Department vide U.O.No.8327/R.I(2)/07, dated 29.11.2007, Law Department U.O.No.8653/LSP/07, dated 31.12.2007 and Finance (W&P) Department vide their U.O.No.191/F8(A1)/08, dated 2.2.2008

To

All Engineers-in-Chief of I&CAD Department

All Chief Engineers of I&CAD Department

Copy to:-TR&B (Roads.I) Department Law Department

Finance (W&P:F8) department

All Secretaries in the Department / All Advisors in the Department

All Advisors in the Department

PS to Spl.Secretary to CMPS to Minister (M&MI)Stock file / Spare

Please see the orders in circulation to Hon'ble CM on Prepage

Accordingly the Draft Order is put up below for kind approval.